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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,083	09/27/2005	Matthew Albert Ivey	PU030095	4286
24498	7590	11/26/2008	EXAMINER	
Joseph J. Laks Thomson Licensing LLC 2 Independence Way, Patent Operations PO Box 5312 PRINCETON, NJ 08543				LEE, WILSON
ART UNIT		PAPER NUMBER		
2163				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/551,083	IVEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Wilson Lee	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 August 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 and 23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 and 23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

### **Claim Objections**

Claim 1 is objected because on line 5, it lacks a semicolon.

Claim 3 is objected because it lacks a period.

Claim 8 is objected because on line 8, it lacks a semicolon.

### **Claim Rejections – 35 U.S.C. 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19, 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, line 5, "take" and "shots", and "take number" on line 6, are vague because the definition of the "take" and "shots" lack any essential attributes according to the specification. On page 6, lines 10-14,

"It is also to be appreciated that "take number" metadata represents the take of the film, where a take is one of a series of shots of the same scene. The order of the shot in the sequence represents the "take number".

The statement, "Take number metadata represents the take of the firm" does not explain what "take" is.

Another statement "a take is one of a series of shots of the same scene. The order of the shot in the sequence represents the take number" basically explains "take" is a shot series, and "take number" is the order of the shot in the sequence. It does not define what shot is therefore "take" and "take number" are vague.

Further, on line 7, Claim 1 states that “take number” corresponds to the order of said video asset in said series of shots. It is inconsistent with the definition indicated in the specification. Is it the order of the shot, or the order of said video asset?

Regarding Claim 11, “video stream is appended before said selected video asset” is not understood whether the video stream is appended before the selected video asset in term of display sequence or in time sequence manner.

Regarding Claim 12, “take” and “shots” on line 8, and “take number” on line 9 are vague too because of the same reason as shown above.

Claims 2-19 and 23 are vague by virtue of their dependency on claims 1 and 12.

### **Claim Rejections – 35 U.S.C. 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sull et al. (US 2004/0128317).

Regarding Claim 1, Sull discloses a method for automatically generating a video slate using metadata, the method comprising:

receiving a request (system receives user's request to generate the preview window) to generate a video slate (See figs. 2A, 2B, 2C, 6, 15A to 15C, 17A to 17F) wherein the request is associated with a selected video media asset (a video program), wherein said selected video media asset is representative of a take which is one of a

series of shots (“A sequence of image”) of a same scene (“...taken from a single point of view (or vantage point or camera angle)” See [0013];

generating the video slate (See figs. 2A, 2B, 2C, 6, 15A to 15C, 17A to 17F) which is capable of being displayed using metadata associated with the selected video media asset (video program).

As discussed above, Sull essentially discloses the claimed invention but does not explicitly disclose take number corresponds to the order to said video asset e.g. video program. However, in Figs. 2A, 2B, 2C, 6, Sull discloses the selected video programs in a program list. These video programs are shown in a from-up-to-down order manner. Although the program list does not indicate the sequence number as the “take number”, it would have been obvious to one of ordinary skill in the art to have shown a number for each program from 1 to 4 to represent those four programs (figs. 2A, 2B, 2C, 6) in Sull in order to be more clarify to the user the total number of the selected video programs and in a list manner.

Regarding Claim 2, Sull discloses providing a list of video media assets to a user so the user can select a video media asset to have a video slate generated [0058], [0061], [0131], [0137], [0139].

Regarding Claim 3, discloses acquiring (system acquires the data for displaying them on screen) metadata (information) associated with the selected video media asset (program) See [0137].

Regarding Claim 4, Sull discloses creating a preview (Figs. 2A, 2B, 2C, 6) of the video slate [0143] to [0145], wherein the preview is created by generating fields (202) that are associated with the acquired metadata (information) See [0137].

Regarding Claim 5, Sull discloses adjusting (“with small modification”) the preview (“preview window”) of the video slate in response to the user. See [0142] to [0146].

Regarding Claim 6, Sull discloses that the properties of the previewed video slate are adjusted (“with small modification”). See [0142] to [0146].

Regarding Claim 7, Sull discloses receiving an acceptance of the preview, wherein the video slate is generated after receiving the acceptance (user can select the recorded programs and store the list. This act is accepting the preview). [0137] to [0139].

Regarding Claim 8, Sull discloses that the generating step further comprises: rendering frames (“image”) of the video slate with its associated metadata (“audio and text information”) See [0013];

compressing (“video compression”) the frames (“image”) of the video slate, See [0017]; and

converting the compressed (“video compression”) frames (“image”) into a video stream (“a video stream”) See [0017].

Regarding Claim 9, Sull discloses that the compressed frames (at Comp 806) are converted into a video media asset stream using a general exchange format (a decoded format by decoder 822, 824) [0171].

Regarding Claim 10, Sull discloses sending the video stream (program) to a server [0021] for storage.

Regarding Claim 11, Sull discloses editing the video stream (“video stream”) into the selected video media asset (video programs) where said video stream (“when a video is in transit”) is appended (“being read”) before said selected video asset (“compressing video data files”) [0016], [0017], [0020], [0021].

Regarding Claim 12, Sull discloses a processor (314) (fig. 3) and memory (312, 310) (fig. 3), in addition to the discussion as shown in the preceding rejection of Claim 1, Sull meets the claimed limitations of Claim 12.

Regarding Claim 13, as discussed in the preceding rejection of Claim 2, Sull meets the claimed limitations of Claim 13.

Regarding Claim 14, as discussed in the preceding rejection of Claim 3, Sull meets the claimed limitations of Claim 14.

Regarding Claim 15, as discussed in the preceding rejection of Claim 4, Sull meets the claimed limitations of Claim 15.

Regarding Claim 16, as discussed in the preceding rejection of Claim 5, Sull meets the claimed limitations of Claim 16.

Regarding Claim 17, as discussed in the preceding rejection of Claim 7, Sull meets the claimed limitations of Claim 17.

Regarding Claim 18, as discussed in the preceding rejection of Claim 10, Sull meets the claimed limitations of Claim 18.

Regarding Claim 19, as discussed in the preceding rejection of Claim 11, Sull meets the claimed limitations of Claim 19.

Regarding Claim 23, Sull discloses watermark a copy (202) of the selected media video asset (“recorded program”) wherein metadata that is shown for a respective take (“a still image”) and a time duration (“duration”) of displayed metadata is modified from take to take (e.g. the first image to the last image of the program). (See [0137])

### **Response to Arguments**

Applicant's arguments with respect to claims 1-19, 23 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/24/08

/Wilson Lee/  
Primary Examiner, Art Unit 2163